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ALTOONA ZONING HEARING BOARD

Travis Seymore
5933 Sixth Avenue
Altoona, PA 16602

In Re: 5933 Sixth Avenue. Request for a special exception that is a replacement of a freestanding business sign with an electronic screen sign on premises 5933 Sixth Avenue, in a light industrial zone.

Your petitioner appeared on his own behalf.

From the testimony presented at the hearing of May 8, 2019, the Board makes the following:

FINDINGS OF FACT

1.

Your petitioner has an ownership interest in the subject property.

2.

Requisite notices were made, and property posted.

3.

In and at the long continuing businesses at the subject location, there existed a sign not only identifying the business, but a second sign which is at issue herein, which was internally illuminated and had changeable letters, which said letters, of course, were changed by hand.



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4.

Your petitioner has now requested that an updated modern sign in the same exact dimensions in the same exact place be permitted, which eliminates manual letter changes and does so electronically.

5.

Said sign will have a smaller illuminated face but be in the same exact size and position as the sign in which it is to replace.

6.

The sign is an electronic sign, digitally controlled.

7.

The subject sign will not impact residences, being that it is indeed in a light industrial zone.

8.

The subject property and sign are therefore under these circumstances and conditions surrounded by other industrial and business uses, none of which are residences.

9.

Furthermore, the sign is conforming with the brightness and shielding regulations to that it will not negatively impact motorists.

10.

While the hours of operation will be 24-7, considering its location, and considering the fact that your petitioner has guaranteed and warranted that the brightness and as imposed by the ordinance will be complied with, there is no objection by the City as voiced by its director, Lee Slusser, thereto.

11.

The signage allows a reasonable continuation of the subject identification and use of the business in and at the site none of which has ever been abandoned and has continuously been thereat for as long as your petitioner can remember.

12.

The subject sign can be automatically regulated so as to ensure compliance with all the rules and regulations of the City pertinent thereto.

13.

The request and change are reasonable and as such will not be brighter than .03 footcandle above ambient light conditions.

14.

Your petitioner has indicated, it is for only his business use and not for outside or off-site business advertising, all said content being therein and therefore related to your petitioner and his business "Alto Markets".

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has adequately shown that it is compliant with the requirement of Section 800-63, Special Exception.

DECISION

WHEREFORE, THIS 20th DAY OF MAY, A.D., 2019, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER AS A SPECIAL EXCEPTION, PROVIDED, HOWEVER, THAT THE SUBJECT SIGN SHALL AT ALL TIMES BE IN COMPLIANCE WITH SECTION 800-63 AND SECTION 800-64, AND ANY ALL OTHER RULES AND REGULATIONS OF THE CITY PERTINENT TO SUCH SIGN AND BRIGHTNESS AND LIGHT CONDITIONS;

PROVIDED, FURTHER, THAT THE SUBJECT SIGN SHALL NOT OTHERWISE DISPLAY ANY OFF PREMISES ADVERTISING AND SHALL NOT THEREFORE DISPLAY

ANY OTHER MESSAGE WHATSOEVER OR HOWSOEVER, UNLESS IT IS, OF COURSE, DIRECTLY CONNECTED WITH AND FOR THE SUBJECT BUSINESS, ALTO MARKETS, AND;

PROVIDED FURTHER, THAT THE MESSAGE DISPLAY SHALL NEVER BE LESS THAN 30 SECONDS IN DURATION AND SAID SIGN SHALL NOT THEREFORE CONTAIN ANY FLASHING OR STROB LIGHTS IN ITS DISPLAY OR MESSAGES AT ANY TIME WHATSOEVER OR HOWSOEVER, AND;

PROVIDED, OF COURSE, FINALLY THE SUBJECT SIGN AND THE LIGHTS THEREIN CONTAINED AND DISPLAY MUST COMPLY WITH ANY AND ALL OF THE REQUIREMENTS PERTINENT TO SUCH SIGNAGE IN AND BY THE ORDINANCES OF THE CITY OF ALTOONA PERTINENT THERETO, INCLUDING BUT NOT LIMITED TO THE REQUIREMENTS PERTINENT TO FOOTCANDLES AS APPLICABLE HERETO, AND, FINALLY;

PROVIDED, THAT THE SIGN ITSELF SHALL NOT BE ANY GREATER IN SIZE OR DIMENSION THAN THE SIGN IN WHICH IT IS TO REPLACE.

ANY PERSON AGGRIEVED BY THE DECISION OF THE ZONING HEARING BOARD MAY APPEAL HEREFROM TO THE COURT OF COMMON PLEAS WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, IN THE MANNER SO PROVIDED BY LAW.

YOUR PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PROPERTY, WHICH ARE OUTSIDE THE JURISDICTION OF THE ALTOONA ZONING HEARING BOARD.

ANY AND ALL NECESSARY PERMITS INVOLVED MUST BE SECURED WITHIN SIX (6) MONTHS FROM THE DATE OF THIS NOTICE, OR THE AUTHORIZATION SHALL BECOME NULL AND VOID WITHOUT FURTHER ACTION OF THE BOARD.

THE ZONING HEARING BOARD OF THE
CITY OF ALTOONA,

Donna Royer 5-15-19
Donna Royer, Acting Chairman

Cory Gehret
Cory Gehret

Matthew Gindlesperger 5/20/19
Matthew Gindlesperger

MAILED TO YOUR PETITIONER: May 20, 2019
Date

Cc: William J. Stokan, Zoning Board Solicitor
Lee Slusser, Director of Planning
Marilyn Morgan, Planner II, Zoning Office

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ALTOONA ZONING HEARING BOARD

Margaret Labriola
515 First Avenue
Altoona, PA 16602

In Re: 516-518 First Avenue. Request for a special exception for
at 515 First Avenue on premises in a multiple household
residential zone located at 516-518 First Avenue.

Your petitioner appeared on her own behalf.

From the uncontradicted testimony presented at the hearing of May 8, 2019, the Board
makes the following:

FINDINGS OF FACT

1.

Your petitioner has an ownership interest in the subject property.

2.

Requisite notices were made, and property posted.

3.

Your petitioner lives immediately across the street from the subject lots.

4.

Your petitioner has purchased the two (2) subject lots across the street from it, in order to
accommodate off-street parking, which is often times not otherwise available and which often
times is not as safe, parking on the street, than off.



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5.

There is a garage on the dominant lot, but it is utilized in its entirety by your petitioner, as his work shop.

6.

There are four (4) vehicles in the household, thus necessitating off-street parking.

7.

There is no space which exists on the principal lot for adequate off-street parking.

8.

The center of the subject lot is within four hundred (400) feet of the principal use.

9.

Space is indeed sufficient to allow full compliance with the land use development standards set forth in Chapter 640, herein incorporate by reference.

10.

The lot will not allow the principal use to exceed maximum parking allowances as set forth in the land development standards.

11.

The installation of parking at this location will not have a deleterious effect on the overall neighborhood in terms of residential stability, economic development and, in fact, on the contrary, will have a favorable effect thereon.

12.

There is no viable building or structure on the subject lots, and as such, parking thereon will not necessitate the demolition of any viable or structurally sound building.

13.

Your petitioner recognizes that she will need to comply with any and all other rules and regulations, and ordinances applicable thereto, in and from the City, and/or State.

14.

Since the lots are two-fold, subdivision may well be applicable and certainly land use rules and regulations will need to be followed per the land development standards.

From the foregoing testimony, the Board makes the following:

CONCLUSIONS OF LAW

1.

Your petitioner has adequately demonstrated compliance with the elements for relief under special exceptions hereto, as set forth in Section 800-50, Article 5 of the applicable zoning ordinance.

DECISION

WHEREFORE, THIS 20th DAY OF MAY, A.D., 2019, THE BOARD GRANTS THE REQUEST OF YOUR PETITIONER, PROVIDED, HOWEVER, THAT YOUR PETITIONER COMPLY WITH ANY AND ALL APPLICABLE RULES AND REGULATIONS IMPOSED UPON IT, INCLUDING BUT NOT LIMITED TO THE SUBDIVISION ORDINANCE AND THE LAND DEVELOPMENT STANDARDS AND ORDINANCES, RULES AND REGULATIONS, OTHERWISE APPLICABLE HERETO, PRIOR TO USE OF THE SUBJECT LOT IN, AND FOR ITS REQUESTED OFF-STREET PARKING.

ANY PERSON AGGRIEVED BY THE DECISION OF THE ZONING HEARING BOARD MAY APPEAL HEREFROM TO THE COURT OF COMMON PLEAS WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, IN THE MANNER SO PROVIDED BY LAW.

YOUR PETITIONER MUST, OF COURSE, MEET ANY AND ALL OTHER CITY, STATE AND FEDERAL REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SUBJECT PROPERTY, WHICH ARE OUTSIDE THE JURISDICTION OF THE ALTOONA ZONING HEARING BOARD.

ANY AND ALL NECESSARY PERMITS INVOLVED MUST BE SECURED WITHIN SIX (6) MONTHS FROM THE DATE OF THIS NOTICE, OR THE AUTHORIZATION SHALL BECOME NULL AND VOID WITHOUT FURTHER ACTION OF THE BOARD.

THE ZONING HEARING BOARD OF THE
CITY OF ALTOONA,

Donna Royer 5-15-19
Donna Royer, Acting Chairman

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